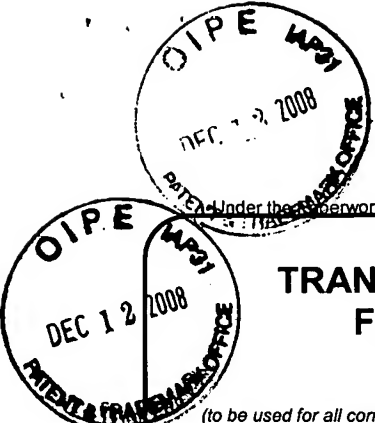


ITWJAC



Approved for use through 12/31/2008. OMB 0651-0031  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/073,023
Filing Date	12 February 2002
First Named Inventor	Alexander van der LELY
Art Unit	3644
Examiner Name	Yvonne Renee Abbott
Attorney Docket Number	04132.0125.000000

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Total Number of Pages in This Submission 12

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Authorization to Charge Fees 2. Request for Correction of Entity Status and Petition Under 37 CFR 1.28(C) to Accept Deficiency in Payment of Fees
<div>Remarks</div> <div>12/18/2008 DALLEN 00000037 10073023 01 FC:1461 8401.00 OP 02 FC:1464 130.00 OP</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	HOWREY LLP		
Signature			
Printed name	Michael J. Bell		
Date	12 December 2008	Reg. No.	36,604

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

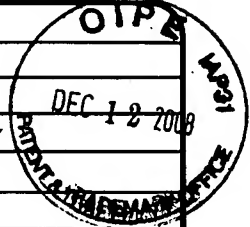
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2009**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 8,531.00

**Complete if Known**

Application Number	10/073,023
Filing Date	12 February 2002
First Named Inventor	Alexander van der LELY
Examiner Name	Yvonne Renee Abbott
Art Unit	3644
Attorney Docket No.	04132.0125.000000

**METHOD OF PAYMENT** (check all that apply)
☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

DEC 19 2008

☒ Deposit Account Deposit Account Number: 08-3038 Deposit Account Name: HOWREY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		
		<b>Fee Paid (\$)</b>
		<b>Multiple Dependent Claims</b>
		<b>Fee (\$)</b>
		<b>Fee Paid (\$)</b>

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee Deficiency

**Fees Paid (\$)**

\$8531.00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 39,604	Telephone 703.663.3600
Name (Print/Type) Michael J. Bell		Date 12 December 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 DEC 16 PM 4:50

In re application of:  
Alexander van der LELY

Appl. No. 10/073,023  
U.S. Patent No.: 6,938,576

Filed: 12 February, 2002  
Issued: 6 September, 2005

For: **DEVICE FOR AND A METHOD OF MILKING  
AN ANIMAL, A DEVICE FOR MONITORING  
AN ANIMAL**

Confirmation No. 18401

Art Unit: 3644

Examiner: Yvonne Renee Abbott

Atty. Docket: 04132.0125.000000

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**OFFICE OF PETITIONS**

**AUTHORIZATION TO CHARGE FEES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment in conjunction with the contemporaneously filed Request for Correction of Entity Status, including any petition fees, to Deposit Account No. 08-3038 referencing Docket No. 04132.0125.000000. If extensions of time under 37 C.F.R. § 1.136 are required to prevent expiration/abandonment of the present patent/application, then such extensions of time are hereby petitioned, and any fees therefore are hereby authorized to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0125.000000.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)

Attorney of Record

Pursuant to the Power of Attorney filed contemporaneously



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Alexander van der LELY

Appl. No. 10/073,023  
U.S. Patent No.: 6,938,576

Filed: 12 February, 2002  
Issued: 6 September, 2005

For: **DEVICE FOR AND A METHOD OF MILKING  
AN ANIMAL, A DEVICE FOR MONITORING  
AN ANIMAL**

Confirmation No. 8401

Art Unit: 3644

Examiner: Yvonne Renee Abbott

Atty. Docket: 04132.0125.000000

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**OFFICE OF PETITIONS**

**REQUEST FOR CORRECTION OF ENTITY STATUS AND  
PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper and petition is submitted to correct the entity status for the above-referenced patent and its corresponding application and to petition the Office to accept the deficiency in payment of fees corrected hereby, pursuant to 37 C.F.R. §§1.27 and 1.28.

The Assignee of Record recently became aware that its US patent counsel had continued to improperly claim small entity status subsequent to the assignee's loss of this entitlement on January 1, 1994. Thus, all fees paid in this application from January 1, 1994 to present must be adjusted to the full and correct value.

Assignee requests that the Office correct the entity status of the patent and the corresponding application. Assignee further requests that the Office accept and process the deficiency payment submitted herewith in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be

found in Exhibit B.

Submitted herewith as Exhibit A is a Revocation of Power of Attorney and New Power of Attorney and Change of Correspondence Address, together with a Statement Under 37 C.F.R. §3.73(b), signed by the agent authorized to act on behalf of the Assignee.

Also submitted herewith as Exhibit B is an itemized listing of all fees paid, after January 1, 1994, during prosecution of this application, as Issue Fee payment, as Maintenance Fees, and as any other fees paid. All applicable surcharges are also included therein. This list is believed to be a comprehensive listing of all applicable fees and corresponding deficiencies. The correct fee amounts are calculated for the present date. The total deficiency is calculated at the bottom of the table and a \$130 petition fee in accordance with 37 CFR 1.28(C)(3) and 1.17(i) is added thereto. Payment for the total amount is attached hereto in the form of a check made out to the Commissioner, United States Patent Office.

Acceptance and correction of the entity status and corresponding fees are respectfully requested. The Director is hereby authorized to deduct any additional fees determined by the Office to be charged to Deposit Account No. 08-3038 referencing Docket no. 04132.0125.000000.

Respectfully submitted,



Maurice Corten

Authorized Agent for Lely Enterprises A.G.

# **EXHIBIT A**

# **EXHIBIT B**



**REQUEST FOR CORRECTION OF ENTITY STATUS**  
Itemization of the Deficiency Payment

<i>Application No.</i>	<i>Patent No.</i>	<i>Type of fee Paid as Small Entity</i>	<i>Payment Date of Small entity Fee</i>	<i>Small Entity Fee Actually Paid</i>	<i>Current Fee Amount for Non-Small Entity</i>	<i>Surcharge Fee</i>	<i>Deficiency Amount Owed</i>
10/073,023	6,938,576	Filing Fee	Feb. 15, 2002	\$370	\$850		\$480
		Recordal Fee	Feb. 15, 2002	\$40	\$40		0
		Additional Claims (26 dep.)	Jun. 20, 2003	\$234	\$1,352		\$1,118
		Extension of Time (3 mo)	Jun. 20, 2003	\$465	\$1,110		\$645
		IDS	Jul. 23, 2003	\$180	\$180		0
		Notice of Appeal	Mar. 24, 2004	\$165	\$540		\$375
		Extension of Time (3 mo)	Mar. 24, 2004	\$475	\$1,110		\$635
		Independent Claims (18 indep.)	Oct. 28, 2004	\$792	\$3780		\$2988
		RCE Request	Oct. 28, 2004	\$395	\$810		\$415
		Petition to Revive, Unintentional	Oct. 28, 2004	\$685	\$1,620		\$935
		Issue Fee	Jul. 05, 2005	\$700	\$1,510		\$810
		Publication fee	Jul. 05, 2005	\$300	\$300		0
<b>Total Deficiency Payment Owed</b>							\$8,401
Petition Fee for Petition under 37 CFR 1.28(c)							\$130
<b>TOTAL PAYMENT</b>							<b>\$8,531</b>

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